

[JOINT FILING - SEE SIGNATURE PAGE FOR COUNSEL]

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

eBay Inc. and Microsoft Corporation,  
*Plaintiffs and Counterclaim-*  
*Defendants,*

vs.

PartsRiver, Inc. and Kelora Systems, LLC,  
*Defendants and Counterclaim-*  
*Plaintiff.*

No. 4:10-cv-4947-CW (filed Nov. 2, 2010)

**STIPULATION AND ORDER  
RELATING CASES**

**[CIVIL L.R. 3-12 AND 7-12]**

**STIPULATION**

Pursuant to Civil Local Rule 3-12(b) and Civil Local Rule 7-12, Kelora Systems, LLC and Cabela's, Inc. file this stipulation and proposed order asking the Court to consider whether the following actions are related:

1. This action: *eBay Inc. and Microsoft Corp. v. PartsRiver, Inc. and Kelora Systems, LLC*, No. 4:10-cv-4947-CW (filed Nov. 2, 2010);

2. New action: *Cabela's, Inc. v. Kelora Systems, LLC*, No. 3:11-cv-1398-WHA (filed Mar. 23, 2011).

3. First-filed case to which this action was previously related by this Court: *PartsRiver, Inc., v. Shopzilla, Inc.; Yahoo! Inc.; eBay Inc.; and Microsoft Corporation*, No. 4:09-cv-00811-CW (filed Feb. 25, 2009) ("Case No. 09-811").

4. Other actions previously related to Case No. 09-811 per this Court's orders: *eBay Inc. v. PartsRiver, Inc. and Kelora Systems, LLC*, No. 4:10-cv-5106-CW (filed Nov. 10, 2010); and *Microsoft Corp. v. PartsRiver, Inc. and Kelora Systems, LLC*, No. 4:10-cv-5108-CW (filed Nov. 10, 2010); and *Shopzilla, Inc. v. Kelora Systems, LLC*, No. 4: 11-cv-00502-CW (filed Feb. 2, 2011).

1 All of the above-referenced actions concern United States Patent No. 6,275,821. The new  
 2 action filed on March 23, 2011, concerns Kelora Systems, LLC, a party to the actions previously  
 3 related to Case No. 09-811 per this Court's orders. Cabela's Inc. is a declaratory relief plaintiff in  
 4 the new action.

5 Kelora and Cabela's therefore agree that the actions listed above are "related" as defined  
 6 by Civil Local Rule 3-12(a), and that the new action filed March 23, 2011, should be reassigned  
 7 to the judge presiding over the first-filed action (Case No. 09-811): Judge Wilken in the Oakland  
 8 Division.

9 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

10 Dated: April 8, 2011

By: /s/ Robert D. Becker

11 Robert D. Becker (Bar No. 160648)  
 12 <[rbecker@manatt.com](mailto:rbecker@manatt.com)>  
 13 Ronald S. Katz (Bar No. 85713)  
 14 <[rkatz@manatt.com](mailto:rkatz@manatt.com)>  
 15 Shawn G. Hansen (Bar No. 197033)  
 16 <[shansen@manatt.com](mailto:shansen@manatt.com)>  
 17 MANATT, PHELPS & PHILLIPS, LLP  
 18 1001 Page Mill Road, Building 2  
 19 Palo Alto, CA 94304-1006  
 20 Telephone: (650) 812-1300  
 21 Facsimile: (650) 213-0260

22 *Counsel for Kelora Systems, LLC*

23 Dated: April 8, 2011

By: /s/ Gregory P. Sitrick

24 QUARLES & BRADY LLP  
 25 Gregory P. Sitrick  
 26 Wendy K. Akbar  
 27 One Renaissance Square  
 28 Two North Central Avenue  
 Phoenix, Arizona 85004-2391

LUCE FORWARD HAMILTON & SCRIPPS LLP  
 Jeffrey L. Fillerup  
 121 Spear Street, Suite 200  
 San Francisco, CA 94105  
 Callie Bjurstrom  
 600 West Broadway, Ste. 2600  
 San Diego, Ca 92101

*Counsel for Cabela's Inc.*

**SIGNATURE ATTESTATION**

Pursuant to General Order No. 45(X)(B), I hereby certify that concurrence in the filing of this document has been obtained from each of the other signatories shown above.

/s/ Robert D. Becker

Robert D. Becker

**ORDER RELATING CASES**

As the judge assigned to the earliest filed case below that bears my initials, I find that the recently filed case that I have initialed below is related under Civil Local Rule 3-12 to the cases below already assigned to me, and this recently filed case shall be reassigned to me.

Original and previously related cases:

*PartsRiver, Inc., v. Shopzilla, Inc.; Yahoo! Inc.; eBay Inc.; and Microsoft Corporation*, No. 4:09-cv-00811-CW (filed Feb. 25, 2009);

*eBay Inc. and Microsoft Corp. v. PartsRiver, Inc. and Kelora Systems, LLC*, No. 4:10-cv-4947-CW (filed Nov. 2, 2010);

*eBay Inc. v. PartsRiver, Inc. and Kelora Systems, LLC*, No. 4:10-cv-5106-CW (filed Nov. 10, 2010);

*Microsoft Corp. v. PartsRiver, Inc. and Kelora Systems, LLC*, No. 4:10-cv-5108-CW (filed Nov. 10, 2010);

*Shopzilla, Inc. v. Kelora Systems, LLC*, No. 4:11-cv-00502-CW (filed Feb. 2, 2011).

*Cabela's, Inc. v. Kelora Systems, LLC*, No. 3:11-cv-1398-WHA (filed Mar. 23, 2011).

I find that the above case is related to the cases assigned to me. \_\_\_\_\_

SO ORDERED.

Dated: 4/11/2011



CLAUDIA WILKEN

United States District Judge

300237256.1

**PROOF OF SERVICE**

I, Nancy A. Nelson, declare:

I am a citizen of the United States and employed in Santa Clara County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 1001 Page Mill Road, Building 2, Palo Alto, California 94304. On April 8, 2011, I served a copy of the within document(s):

**STIPULATION AND [PROPOSED] ORDER RELATING CASES**

**Electronic Mail and U.S. Postal Mail Notice List**

Gregory P. Sitrick, Esq. ( <i>pro hac vice</i> ) QUARLES & BRADY LLP One Renaissance Square Two North Central Avenue Phoenix, Arizona 95004-2391	Telephone: (602) 229-5200 Facsimile: (602) 229-5690 E-Mail: gregory.sitrick@quarles.com
--	---

Wendy K. Akbar, Esq. ( <i>pro hac vice</i> ) QUARLES & BRADY LLP One Renaissance Square Two North Central Avenue Phoenix, Arizona 95004-2391	Telephone: (602) 229-5200 Facsimile: (602) 229-5690 E-Mail: wendy.akbar@quarles.com
--	---

Jeffrey L. Fillerup, Esq. LUCE, FORWARD, HAMILTON & SCRIPPS LLP Rincon Center II, 121 Spear Street, Ste 200 San Francisco, CA 94105-1582	Telephone: (415) 356-4600 Facsimile: (415) 356-3881 E-Mail: jfillerup@luce.com
--	--

Callie A. Bjurstrom, Esq. LUCE, FORWARD, HAMILTON & SCRIPPS LLP 600 West Broadway, Suite 2600 San Diego, CA 92101	Telephone: (619) 236-1414 Facsimile: (619) 232-8311 E-Mail: cbjurstrom@luce.com
---	---

**Electronic Mail Notice List**

The following are those who are currently on the list to receive Electronic Court Filing Notifications, who are being served with this document via the Court's ECF system.

**Marc R. Ascolese**  
 Sidley Austin, LLP  
 555 California St., Suite 2000  
 San Francisco, CA 94104  
 Tel: 415-772-7498  
 Fax: 415-772-7400  
 mascolese@sidley.com

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**David T. Pritikin**  
dpritikin@sidley.com  
**Richard A. Cederroth**  
rcederroth@sidley.com  
Sidley Austin, LLP  
One South Dearborn Street  
Chicago, IL 60603  
Tel: 312-853-7000  
Fax: 312-853-7036

**Theodore W. Chandler**  
tchandler@sidley.com  
Sidley Austin LLP  
555 West Fifth Street, Suite 4000  
Los Angeles, California 90013  
Telephone: (213) 896-6000  
Facsimile: (213) 896-6600

*Attorneys for eBay, Inc. and Microsoft Corporation*

**Jordan Trent Jones**  
jtjones@jordanjonesiplaw.com  
Law Offices of Jordan Trent Jones  
100 Spear Street, 18th Floor  
San Francisco, CA 94105  
Tel: 415-357-8940  
Fax: 415-371-0500

**Eric M. Hutchins**  
ehutchins@kilpatricktownsend.com  
**Hogene Lucretia Choi**  
hlchoi@townsend.com  
Kilpatrick Townsend & Stockton LLP  
379 Lytton Avenue  
Palo Alto, CA 94301  
Tel: 650-326-2400  
Fax: 650-326-2422

**James G. Gilliland**  
jgilliland@kilpatricktownsend.com  
Two Embarcadero Center, 8th Floor  
San Francisco, CA 94111  
Tel: 415-576-0200  
Fax: 415-576-0300

*Attorneys for Shopzilla, Inc.*

1 I declare under penalty of perjury that the foregoing is true and correct.

2 Executed on April 8, 2011, at Palo Alto, California.

3 /s/ Nancy A. Nelson

4 Nancy A. Nelson

5 **SIGNATURE ATTESTATION**

6 Pursuant to General Order No. 45(X)(B), I hereby certify that concurrence in the filing of  
7 this document has been obtained from each of the other signatories shown above.

8 /s/ Robert D. Becker

9 Robert D. Becker  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28